

Application No.:09/822,531  
Amendment dated: September 2, 2003  
Reply to Office Action of May, 30, 2003

RD-26589-2

### REMARKS/ARGUMENTS

This case has been carefully reviewed in light of the Office Action dated May 30, 2003, wherein claims 1-3, 6-44 and 47-56 were rejected under 35 USC 103(a) as being unpatentable over Buysch et al. U.S. Patent No. 5856554, Buysch et al. U.S. Patent No. 6548445, Shalyaev et al. U.S. Patent No. 6566295, each taken alone or in combination with each other or each in view of the teachings in Mizukami et al US Patent No. 5380907 or Pressman et al. U.S. Patent No. 6114564.

In response to the Office Action of May 30, 2003 claims 1, 33-39, 42 and 56 have been amended. Claims 1-3, 6-44 and 47-56 remain pending in this application. Applicants strongly urge that especially as amended, claims 1-3, 6-44 and 47-56 clearly recite patentable subject matter, the cited references notwithstanding. Thus, reconsideration in light of the above amendments and the following remarks is respectfully requested.

With the exception of the second Buysch reference (Buysch et al. U.S. Patent No. 6548445), each of the references cited by the Examiner has been discussed in detail by the Applicants in earlier Office Actions. Applicants believe that the arguments made, while compelling in the context of earlier claims, become especially compelling in light of the amendments made to claims 1, 33-39, 42 and 56 in this communication. Applicants note with respect to the Shalyaev reference that it was commonly owned with the present application at the time the present invention was made and qualifies as prior art only under 35 U.S.C. 103/102(e). The present Application has a filing date after November 29, 1999, and it is thus respectfully submitted that Shalyaev et al. is excluded as a 35 USC 103(a) reference in light of 35 USC 103(c) (MPEP § 706.02 (I)(1)).

The second Buysch reference (Buysch et al. U.S. Patent No. 6548445) discloses a "supported" catalyst for use in the preparation of diaryl carbonates in which the carbonylation catalyst is supported on a solid support instead of being uniformly distributed throughout the reaction mixture. The inventive focus and teaching of the


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second Buysch reference is far removed from the Applicants' instant invention. Thus the second Buysch reference cannot be construed reasonably to render obvious Applicants' invention.

In view of the foregoing, Applicants respectfully request reconsideration and prompt allowance of claims 1-3, 6-44 and 47-56. Should the Examiner believe that anything further is needed to place the application in even better condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number below.

Respectfully submitted,

  
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